



Rep. Elaine Nekritz

Filed: 10/29/2009

09600SB0941ham004

LRB096 07050 HLH 30640 a

1 AMENDMENT TO SENATE BILL 941

2 AMENDMENT NO. _____. Amend Senate Bill 941, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Department of Transportation Law of the
6 Civil Administrative Code of Illinois is amended by changing
7 Section 2705-305 as follows:

8 (20 ILCS 2705/2705-305)

9 Sec. 2705-305. Grants for mass transportation.

10 (a) For the purpose of mass transportation grants and
11 contracts, the following definitions apply:

12 "Carrier" means any corporation, authority, partnership,
13 association, person, or district authorized to provide mass
14 transportation within the State.

15 "District" means all of the following:

16 (i) Any district created pursuant to the Local Mass

1 Transit District Act.

2 (ii) The Authority created pursuant to the
3 Metropolitan Transit Authority Act.

4 (iii) Any authority, commission, or other entity that
5 by virtue of an interstate compact approved by Congress is
6 authorized to provide mass transportation.

7 (iv) The Authority created pursuant to the Regional
8 Transportation Authority Act.

9 "Facilities" comprise all real and personal property used
10 in or appurtenant to a mass transportation system, including
11 parking lots.

12 "Mass transportation" means transportation provided within
13 the State of Illinois by rail, bus, or other conveyance and
14 available to the general public on a regular and continuing
15 basis, including the transportation of handicapped or elderly
16 persons as provided more specifically in Section 2705-310.

17 "Unit of local government" means any city, village,
18 incorporated town, or county.

19 (b) Grants may be made to units of local government,
20 districts, and carriers for the acquisition, construction,
21 extension, reconstruction, and improvement of mass
22 transportation facilities. Grants shall be made upon the terms
23 and conditions that in the judgment of the Secretary are
24 necessary to ensure their proper and effective utilization.

25 (c) The Department shall make grants under this Law in a
26 manner designed, so far as is consistent with the maintenance

1 and development of a sound mass transportation system within
2 the State, to: (i) maximize federal funds for the assistance of
3 mass transportation in Illinois under the Federal Transit Act
4 and other federal Acts; (ii) facilitate the movement of persons
5 who because of age, economic circumstance, or physical
6 infirmity are unable to drive; (iii) contribute to an improved
7 environment through the reduction of air, water, and noise
8 pollution; and (iv) reduce traffic congestion.

9 (d) The Secretary shall establish procedures for making
10 application for mass transportation grants. The procedures
11 shall provide for public notice of all applications and give
12 reasonable opportunity for the submission of comments and
13 objections by interested parties. The procedures shall be
14 designed with a view to facilitating simultaneous application
15 for a grant to the Department and to the federal government.

16 (e) Grants may be made for mass transportation projects as
17 follows:

18 (1) In an amount not to exceed 100% of the nonfederal
19 share of projects for which a federal grant is made.

20 (2) In an amount not to exceed 100% of the net project
21 cost for projects for which a federal grant is not made.

22 (3) In an amount not to exceed five-sixths of the net
23 project cost for projects essential for the maintenance of
24 a sound transportation system and eligible for federal
25 assistance for which a federal grant application has been
26 made but a federal grant has been delayed. If and when a

1 federal grant is made, the amount in excess of the
2 nonfederal share shall be promptly returned to the
3 Department.

4 In no event shall the Department make a grant that,
5 together with any federal funds or funds from any other source,
6 is in excess of 100% of the net project cost.

7 (f) Regardless of whether any funds are available under a
8 federal grant, the Department shall not make a mass
9 transportation grant unless the Secretary finds that the
10 recipient has entered into an agreement with the Department in
11 which the recipient agrees not to engage in school bus
12 operations exclusively for the transportation of students and
13 school personnel in competition with private school bus
14 operators where those private school bus operators are able to
15 provide adequate transportation, at reasonable rates, in
16 conformance with applicable safety standards, provided that
17 this requirement shall not apply to a recipient that operates a
18 school system in the area to be served and operates a separate
19 and exclusive school bus program for the school system.

20 (g) Grants may be made for mass transportation purposes
21 with funds appropriated from the Build Illinois Bond Fund
22 consistent with the specific purposes for which those funds are
23 appropriated by the General Assembly. Grants under this
24 subsection (g) are not subject to any limitations or conditions
25 imposed upon grants by any other provision of this Section,
26 except that the Secretary may impose the terms and conditions

1 that in his or her judgment are necessary to ensure the proper
2 and effective utilization of the grants under this subsection.

3 (h) The Department may let contracts for mass
4 transportation purposes and facilities for the purpose of
5 reducing urban congestion funded in whole or in part with bonds
6 described in subdivision (b)(1) of Section 4 of the General
7 Obligation Bond Act, not to exceed \$75,000,000 in bonds.

8 (i) The Department may make grants to carriers, districts,
9 and units of local government for the purpose of reimbursing
10 them for providing reduced fares for mass transportation
11 services for students, handicapped persons and the elderly.
12 Grants shall be made upon the terms and conditions that in the
13 judgment of the Secretary are necessary to ensure their proper
14 and effective utilization.

15 (j) The Department may make grants to carriers, districts,
16 and units of local government for costs of providing ADA
17 paratransit service. Subject to appropriation, the Department
18 shall make grants to the Regional Transportation Authority in
19 the amount of \$8,500,000 in State fiscal year 2010 and in State
20 fiscal year 2011 in the amount determined by the Regional
21 Transportation Authority as the shortfall in the ADA
22 Paratransit Fund for calendar year 2011, provided that the
23 amount of the grant in 2011 shall not exceed \$10,000,000. These
24 amounts granted to the Regional Transportation Authority shall
25 be deposited into the ADA Paratransit Fund and used for payment
26 to the Suburban Bus Board for the provision of ADA paratransit

1 service.

2 (Source: P.A. 94-91, eff. 7-1-05.)

3 Section 10. The Downstate Public Transportation Act is
4 amended by changing Section 2-15.2 as follows:

5 (30 ILCS 740/2-15.2)

6 Sec. 2-15.2. Free services; eligibility.

7 (a) Notwithstanding any law to the contrary, no later than
8 60 days following the effective date of this amendatory Act of
9 the 95th General Assembly and until subsection (b) is
10 implemented, any fixed route public transportation services
11 provided by, or under grant or purchase of service contracts
12 of, every participant, as defined in Section 2-2.02 (1)(a),
13 shall be provided without charge to all senior citizen
14 residents of the participant aged 65 and older, under such
15 conditions as shall be prescribed by the participant.

16 (b) Notwithstanding any law to the contrary, beginning on
17 March 1, 2010, any fixed route public transportation services
18 provided by, or under grant or purchase of service contracts
19 of, every participant, as defined in Section 2-2.02 (1)(a),
20 shall be provided without charge to senior citizens aged 65 and
21 older who meet the income eligibility limitation set forth in
22 subsection (a-5) of Section 4 of the Senior Citizens and
23 Disabled Persons Property Tax Relief and Pharmaceutical
24 Assistance Act, under such conditions as shall be prescribed by

1 the participant. The Department on Aging shall furnish all
2 information reasonably necessary to determine eligibility,
3 including updated lists of individuals who are eligible for
4 services without charge under this Section. Nothing in this
5 Section shall relieve the participant from providing reduced
6 fares as may be required by federal law.

7 (Source: P.A. 95-708, eff. 1-18-08.)

8 Section 15. The Metropolitan Transit Authority Act is
9 amended by changing Section 51 as follows:

10 (70 ILCS 3605/51)

11 Sec. 51. Free services; eligibility.

12 (a) Notwithstanding any law to the contrary, no later than
13 60 days following the effective date of this amendatory Act of
14 the 95th General Assembly and until subsection (b) is
15 implemented, any fixed route public transportation services
16 provided by, or under grant or purchase of service contracts
17 of, the Board shall be provided without charge to all senior
18 citizens of the Metropolitan Region (as such term is defined in
19 70 ILCS 3615/1.03) aged 65 and older, under such conditions as
20 shall be prescribed by the Board.

21 (b) Notwithstanding any law to the contrary, beginning on
22 March 1, 2010, any fixed route public transportation services
23 provided by, or under grant or purchase of service contracts
24 of, the Board shall be provided without charge to senior

1 citizens aged 65 and older who meet the income eligibility
2 limitation set forth in subsection (a-5) of Section 4 of the
3 Senior Citizens and Disabled Persons Property Tax Relief and
4 Pharmaceutical Assistance Act, under such conditions as shall
5 be prescribed by the Board. The Department on Aging shall
6 furnish all information reasonably necessary to determine
7 eligibility, including updated lists of individuals who are
8 eligible for services without charge under this Section.
9 Nothing in this Section shall relieve the Board from providing
10 reduced fares as may be required by federal law.

11 (Source: P.A. 95-708, eff. 1-18-08.)

12 Section 20. The Local Mass Transit District Act is amended
13 by changing Section 8.6 as follows:

14 (70 ILCS 3610/8.6)

15 Sec. 8.6. Free services; eligibility.

16 (a) Notwithstanding any law to the contrary, no later than
17 60 days following the effective date of this amendatory Act of
18 the 95th General Assembly and until subsection (b) is
19 implemented, any fixed route public transportation services
20 provided by, or under grant or purchase of service contracts
21 of, every District shall be provided without charge to all
22 senior citizens of the District aged 65 and older, under such
23 conditions as shall be prescribed by the District.

24 (b) Notwithstanding any law to the contrary, beginning on

1 March 1, 2010, any fixed route public transportation services
2 provided by, or under grant or purchase of service contracts
3 of, every District shall be provided without charge to senior
4 citizens aged 65 and older who meet the income eligibility
5 limitation set forth in subsection (a-5) of Section 4 of the
6 Senior Citizens and Disabled Persons Property Tax Relief and
7 Pharmaceutical Assistance Act, under such conditions as shall
8 be prescribed by the District. The Department on Aging shall
9 furnish all information reasonably necessary to determine
10 eligibility, including updated lists of individuals who are
11 eligible for services without charge under this Section.
12 Nothing in this Section shall relieve the District from
13 providing reduced fares as may be required by federal law.

14 (Source: P.A. 95-708, eff. 1-18-08.)

15 Section 25. The Regional Transportation Authority Act is
16 amended by changing Sections 2.01d, 2.04, 3A.15, and 3B.14 as
17 follows:

18 (70 ILCS 3615/2.01d)

19 Sec. 2.01d. ADA Paratransit Fund. The Authority shall
20 establish an ADA Paratransit Fund and, each year, deposit into
21 that Fund the amounts directed by Section 4.03.3 of this Act
22 and any funds received from the State pursuant to
23 appropriations for the purpose of funding ADA paratransit
24 services. The amounts on deposit in the Fund and interest and

1 other earnings on those amounts shall be used by the Authority
2 to make grants to the Suburban Bus Board for ADA paratransit
3 services provided pursuant to plans approved by the Authority
4 under Section 2.30 of this Act. Funds received by the Suburban
5 Bus Board from the Authority's ADA Paratransit Fund shall be
6 used only to provide ADA paratransit services to individuals
7 who are determined to be eligible for such services by the
8 Authority under the Americans with Disabilities Act of 1990 and
9 its implementing regulations. Revenues from and costs of
10 services provided by the Suburban Bus Board with grants made
11 under this Section shall be included in the Annual Budget and
12 Two-Year Financial Program of the Suburban Bus Board and shall
13 be subject to all budgetary and financial requirements under
14 this Act that apply to ADA paratransit services. Beginning in
15 2008, the Executive Director shall, no later than August 15 of
16 each year, provide to the Board a written determination of the
17 projected annual costs of ADA paratransit services that are
18 required to be provided pursuant to the Americans with
19 Disabilities Act of 1990 and its implementing regulations. The
20 Board shall advise the Service Boards of the estimated
21 operating deficit of the Suburban Bus Board in the provision of
22 ADA paratransit service in 2011, the amount estimated to be
23 deposited into the ADA Paratransit Fund during that year under
24 Section 4.03.3, and any projected shortfall in funding for ADA
25 paratransit services for that year. The Authority shall advise
26 the Illinois Department of Transportation of the projected

1 shortfall and request a grant of \$8,500,000 in 2010 and the
2 shortfall amount in 2011, however, that request shall not
3 exceed \$10,000,000. If the Board, at any time after reviewing
4 the financial condition and results of operations of ADA
5 paratransit services under Section 4.11, determines that the
6 shortfall in the ADA Paratransit Fund will exceed \$8,500,000 in
7 2010 or \$10,000,000 in 2011, and other actions authorized under
8 Section 4.11 are inadequate to eliminate that revised
9 shortfall, then the Board shall authorize the issuance of
10 Working Cash Notes, subject to the provisions of Section 4.04
11 of this Act, to fund such shortfall to the extent that it
12 exceeds these enumerated amounts. The Authority shall conduct
13 triennial financial, compliance, and performance audits of ADA
14 paratransit services to assist in this determination.

15 (Source: P.A. 95-708, eff. 1-18-08.)

16 (70 ILCS 3615/2.04) (from Ch. 111 2/3, par. 702.04)

17 Sec. 2.04. Fares and Nature of Service.

18 (a) Whenever a Service Board provides any public
19 transportation by operating public transportation facilities,
20 the Service Board shall provide for the level and nature of
21 fares or charges to be made for such services, and the nature
22 and standards of public transportation to be so provided that
23 meet the goals and objectives adopted by the Authority in the
24 Strategic Plan. Provided, however that if the Board adopts a
25 budget and financial plan for a Service Board in accordance

1 with the provisions in Section 4.11(b)(5), the Board may
2 consistent with the terms of any purchase of service contract
3 provide for the level and nature of fares to be made for such
4 services under the jurisdiction of that Service Board, and the
5 nature and standards of public transportation to be so
6 provided.

7 (b) Whenever a Service Board provides any public
8 transportation pursuant to grants made after June 30, 1975, to
9 transportation agencies for operating expenses (other than
10 with regard to experimental programs) or pursuant to any
11 purchase of service agreement, the purchase of service
12 agreement or grant contract shall provide for the level and
13 nature of fares or charges to be made for such services, and
14 the nature and standards of public transportation to be so
15 provided. A Service Board shall require all transportation
16 agencies with which it contracts, or from which it purchases
17 transportation services or to which it makes grants to provide
18 half fare transportation for their student riders if any of
19 such agencies provide for half fare transportation to their
20 student riders.

21 (c) In so providing for the fares or charges and the nature
22 and standards of public transportation, any purchase of service
23 agreements or grant contracts shall provide, among other
24 matters, for the terms or cost of transfers or interconnections
25 between different modes of transportation and different public
26 transportation agencies, schedules or routes of such service,

1 changes which may be made in such service, the nature and
2 condition of the facilities used in providing service, the
3 manner of collection and disposition of fares or charges, the
4 records and reports to be kept and made concerning such
5 service, for interchangeable tickets or other coordinated or
6 uniform methods of collection of charges, and shall further
7 require that the transportation agency comply with any
8 determination made by the Board of the Authority under and
9 subject to the provisions of Section 2.12b of this Act. In
10 regard to any such service, the Authority and the Service
11 Boards shall give attention to and may undertake programs to
12 promote use of public transportation and to provide coordinated
13 ticket sales and passenger information. In the case of a grant
14 to a transportation agency which remains subject to Illinois
15 Commerce Commission supervision and regulation, the Service
16 Boards shall exercise the powers set forth in this Section in a
17 manner consistent with such supervision and regulation by the
18 Illinois Commerce Commission.

19 (d) Except as otherwise provided in this amendatory act of
20 the 96th General Assembly, no Service Board shall increase
21 fares or charges for public transportation services provided in
22 2010 or 2011.

23 (Source: P.A. 95-708, eff. 1-18-08.)

24 (70 ILCS 3615/3A.15)

25 Sec. 3A.15. Free services; eligibility.

1 (a) Notwithstanding any law to the contrary, no later than
2 60 days following the effective date of this amendatory Act of
3 the 95th General Assembly and until subsection (b) is
4 implemented, any fixed route public transportation services
5 provided by, or under grant or purchase of service contracts
6 of, the Suburban Bus Board shall be provided without charge to
7 all senior citizens of the Metropolitan Region aged 65 and
8 older, under such conditions as shall be prescribed by the
9 Suburban Bus Board.

10 (b) Notwithstanding any law to the contrary, beginning on
11 March 1, 2010, any fixed route public transportation services
12 provided by, or under grant or purchase of service contracts
13 of, the Suburban Bus Board shall be provided without charge to
14 senior citizens aged 65 and older who meet the income
15 eligibility limitation set forth in subsection (a-5) of Section
16 4 of the Senior Citizens and Disabled Persons Property Tax
17 Relief and Pharmaceutical Assistance Act, under such
18 conditions as shall be prescribed by the Suburban Bus Board.
19 The Department on Aging shall furnish all information
20 reasonably necessary to determine eligibility, including
21 updated lists of individuals who are eligible for services
22 without charge under this Section. Nothing in this Section
23 shall relieve the Suburban Bus Board from providing reduced
24 fares as may be required by federal law.

25 (Source: P.A. 95-708, eff. 1-18-08.)

1 (70 ILCS 3615/3B.14)

2 Sec. 3B.14. Free services; eligibility.

3 (a) Notwithstanding any law to the contrary, no later than
4 60 days following the effective date of this amendatory Act of
5 the 95th General Assembly and until subsection (b) is
6 implemented, any fixed route public transportation services
7 provided by, or under grant or purchase of service contracts
8 of, the Commuter Rail Board shall be provided without charge to
9 all senior citizens of the Metropolitan Region aged 65 and
10 older, under such conditions as shall be prescribed by the
11 Commuter Rail Board.

12 (b) Notwithstanding any law to the contrary, beginning on
13 March 1, 2010, any fixed route public transportation services
14 provided by, or under grant or purchase of service contracts
15 of, the Commuter Rail Board shall be provided without charge to
16 senior citizens aged 65 and older who meet the income
17 eligibility limitation set forth in subsection (a-5) of Section
18 4 of the Senior Citizens and Disabled Persons Property Tax
19 Relief and Pharmaceutical Assistance Act, under such
20 conditions as shall be prescribed by the Commuter Rail Board.
21 The Department on Aging shall furnish all information
22 reasonably necessary to determine eligibility, including
23 updated lists of individuals who are eligible for services
24 without charge under this Section. Nothing in this Section
25 shall relieve the Commuter Rail Board from providing reduced
26 fares as may be required by federal law.

1 (Source: P.A. 95-708, eff. 1-18-08.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law."